

**BEFORE THE INDIANA CIVIL RIGHTS COMMISSION
311 West Washington Street
Indianapolis, Indiana 46204**

STATE OF INDIANA)
) SS
COUNTY OF MARION)

DIANE D. LEVIE,
 Complainant,

DOCKET NO. 07646

vs.

JAMES W. LAFOLLETTE, M.D.,
 Respondent.

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Comes now the Respondent, by counsel, and files his Motion to Dismiss, which is in words and figures as follows:

H. I.

And comes now the Complainant, by counsel and files here Complainant's Response to Respondent's Motion to Dismiss (sic) which is in words and figures as follows:

H. I.

And comes now the Chairman of the Indiana Civil Rights Commission ("ICRC") pursuant to Ind. Admin. R. and Reg. §(22-9-1-6) 10 and having duly considered the arguments of the parties and having taken official notice of the record hereby recommends that ICRC enter the following as its Findings of Fact, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Complainant's complaint, as amended, reads as follows:

I believe Dr. LaFollette's practice of routinely billing married men for services rendered to both husband and wife (unless the wife makes a special request to be billed for services rendered to both) instead of initially allowing the couple to choose between themselves as to who gets billed, is different treatment of married men and married women, and is, therefore sex discrimination against me and others similarly situated.

2. The Indiana Civil Rights Law defines "discriminatory practice", in material part, as follows:

(t)he term "discriminatory practice" means the exclusion of a person from equal opportunities because of ...sex...; or a system which excludes persons from equal opportunities because of sex... .Every discriminatory practice relating to ...public accommodations...or the extending of credit as "credit" is defined in IC 1971, 14-4.5-1-301, shall be considered unlawful unless it is specifically exempted by this chapter, IC 22-9-1-3(1). (emphasis added).

3. From the face of Complainant's complaint, it is clear that Dr. LaFollette had not denied her the right to be billed, but instead has utilized a procedure for billing which differs from the procedure for billing husbands.
4. The difference in procedure neither places a sufficiently greater burden on a wife than a husband nor makes it sufficiently more difficult for a wife than for a husband that it can be said that the procedure denies equal opportunity.
5. Any Conclusion of Law which should be deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. Complainant's complaint fails to state a claim upon which relief may be granted in that ICRC can only enter such orders after the finding of a discriminatory practice. IC 22-9-1-6(k).

ORDER

1. The complaint is dismissed

Signed: October 14, 1977